

LAW OFFICES
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.
 Stanford Research Park
 700 Hansen Way
 Palo Alto, CA 94304

Telephone
 (650) 849-6600

Facsimile
 (650) 849-6666

FACSIMILE TRANSMITTAL

TO

Name: Manuel Saldana
Firm: U.S. Patent and Trademark Office
Fax No.: (703) 305-1013
Phone No.:
Subject:
Your File No.:

FROM

Name: Jean B. Fordis
Phone No.: (650) 849-6607
Fax # Verified by: R. Herrick
Pages (incl. this): 12
Date: May 28, 2002
Our File No.: 01147.0142

Confirmation Copy to Follow: N

Message:

Per the request of Dianna Johannsen, we are forwarding a copy of a paper from the USPTO, date-stamped "Approved" on August 10, 1999, and the Certificate of Correction dated August 4, 2000.

If there is a problem with this transmission, notify fax room at (650) 849-6600 or the sender at the number above.

This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify the sender immediately by telephone (collect), and return the original message by first-class mail to the above address.

PATENT
Attorney Docket No. 25,835-11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No.: 5,750,338)
Inventors: Collins et al.)
Issue Date: May 12, 1998)
For: TARGET AND BACKGROUND)
CAPTURE METHODS WITH)
AMPLIFICATION FOR)
AFFINITY ASSAYS)

CERTIFICATE

MAY 12 1999

OF CORRECTION

Attn: Certificate of Correction Branch

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

REQUEST FOR CERTIFICATE OF CORRECTION

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322, this is a request for the issuance of a Certificate of Correction in the above-identified patent. Two (2) copies of PTO Form 1050 are appended. The complete Certificate of Correction involves 1 page.

The mistakes identified in the appended Form are of minor character, and resulted from errors made in good faith by patentees.

REMARKS

Patentees are filing herewith petitions to amend and amendments to abandoned U.S. applications Serial No. 08/124,826, filed September 21, 1993. Serial No. 07/946,749, filed September 17, 1992, and Serial No. 07/648,468, filed January 31, 1991. These petitions and amendments are for the purpose of claiming the benefit under 35 U.S.C. § 120 of the aforementioned three applications, as well as applications Serial Nos.

FINNEGAN, HENDERSON,
FABIANOW, CARLSON
& DUNN, L.L.P.
ATTORNEYS AT LAW
1000 K STREET, N.W.
WASHINGTON, D.C. 20004
(202) 462-6000

APPROVED

AUG 10 1999

FAX RECEIVED
APR 28 1999
PETITIONS OFFICE

00330100 052922

LAW OFFICES
 FINNEGAN, HENDERSON,
 FARABOW, GARDNETT
 & DUNN, L.L.P.
 STANFORD RESEARCH PARK
 300 HAWES WAY
 MILPITAS, CALIF. 95031
 408-944-2000

07/644,967, filed January 22, 1991, 07/136,920, filed December 21, 1987, and 06/922,155, filed October 23, 1986.

U.S. Patent No. 5,750,338 issued from an application that was originally filed on December 21, 1987 as application Serial No. 07/136,920 (see attached chart), which was a continuation-in-part of application Serial No. 06/922,155, filed October 23, 1986. Application Serial No. 07/644,967 was a continuation of application Ser. No. 07/136,920 and application Serial No. 07/944,505 was a continuation of application Ser. No. 07/644,967. During prosecution of application Serial No. 07/944,505, patentees inadvertently failed to respond to the November 5, 1992 Office Action and the application was unintentionally abandoned. Patentees filed a Petition to Revive the application but the petition was barred by 37 C.F.R. § 1.137(b) because it was filed more than one year after the date the application was abandoned. U.S. Patent No. 5,750,338 eventually issued from application Serial No. 08/238,080, filed May 3, 1994.

Because application Serial No. 07/944,505 was abandoned before application Serial No. 08/238,080 was filed, thus destroying copendency, the claim for benefit under 35 U.S.C. § 120 of prior applications through application Ser. No. 07/944,505 back to applications Serial Nos. 07/136,920 and 06/922,155 could not be properly made. Therefore, patentees amended the specification of application Serial No. 08/238,080 to claim benefit under 35 U.S.C. § 120 of a chain of related applications, beginning with application Serial No. 08/400,857, that also originated from applications 06/922,155 and 07/136,920 (see attached chart). This chain of related applications was first filed on January 31, 1991 as application Serial No. 07/648,468. Application Serial No.

200250 08496666

07/648,468 was filed as a continuation-in-part of applications 06/922,155 and 07/136,920 and specifically incorporated by reference the disclosures of those applications. Accordingly, because application Serial No. 07/648,468, and subsequently filed applications in that chain, including application Ser. No. 08/400,657, incorporated by reference the disclosure of application Serial No. 07/136,920, those applications provide proper § 112 support for the claims of U.S. Patent No. 5,750,338.

This Certificate of Correction and the accompanying petitions and amendments to abandoned applications are being filed because (1) application Serial No. 08/400,657 was not pending as of May 3, 1994, the filing date of application Serial No. 08/238,080, and (2) applications Serial Nos. 06/922,155 and 07/136,920 were not pending as of the filing date of application Serial No. 07/648,468. These errors were made inadvertently by patentees and in good faith. Patentees first became aware of error (1) after allowance of application Serial No. 238,080. An Amendment After Allowance was filed on December 10, 1997 to correct this error but the amendment was apparently never entered by the Patent Office. Patentees only recently became aware of error (2) and the resulting copendency problem after a review of the prosecution history of U.S. Patent No. 5,750,338 in consideration of possible litigation.

Issuance of the Certificate of Correction containing the correction is earnestly requested.


A check in the amount of \$100 (the fee set forth in 37 C.F.R. § 1.20(a)) is appended to cover the costs of issuing this Certificate.

LET OPPOSED
FINNEGAN, HENDERSON,
FARROW, GIBBETT
& DUNN, L.L.P.
STAMFORD HENDERSON BARR
700 MARSH WY
SALT LAKE, CALIF, 98000
800-545-5000

If any additional fees are due in connection with the filing of this request, the
Commissioner is hereby authorized to charge such fees to Deposit Account No. 01-0528.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER

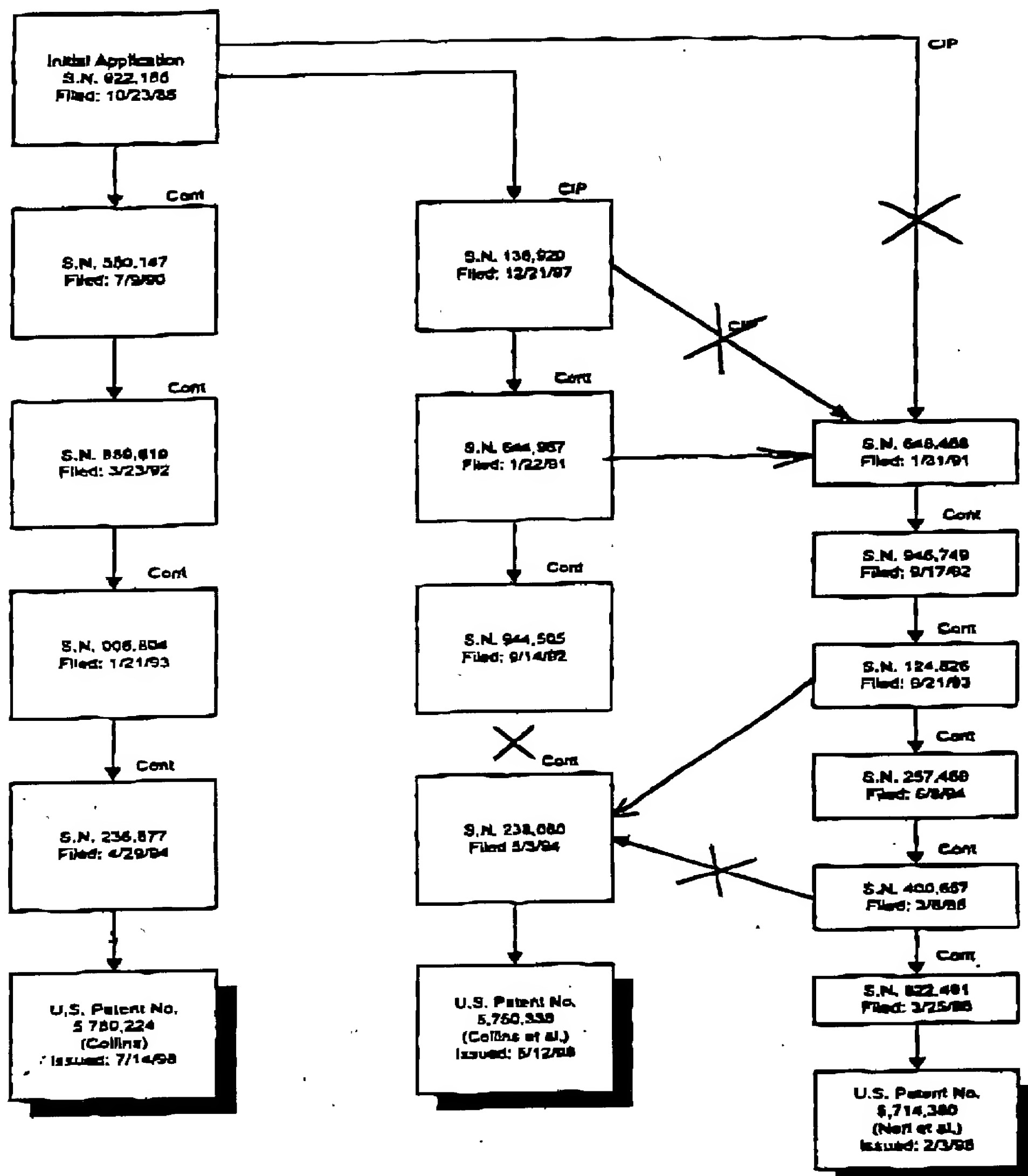
By: 
Thomas W. Banks
Reg. No. 32,719

Dated: December 14, 1998

2002-05-28 13:31

LA OFFICE
FINNEGAN, HENDERSON,
FARABOW, GARRETT
& DUNNER, L.L.P.
1000 PIERCE FENNER
& SMITH BLDG
700 MARKET ST
SAN FRANCISCO, CALIF. 94102
(415) 774-2000

20020528 08:26:28



JBF

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re Patent of: Mark L. Collins et al.

Patent No.: 5,750,338

Group Art: 1634

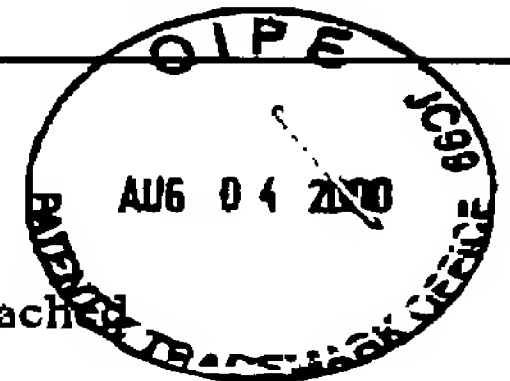
Filed: March 8, 2000

Examiner: Unassigned

For: **TARGET AND BACKGROUND CAPTURE METHODS WITH
AMPLIFICATION FOR AFFINITY ASSAYS**

Papers Filed:

1. Request for Corrected Filing Receipt.
2. Check in the amount of \$25.00 for fee.
3. Copy of Filing Receipt corrected in ink.
4. Second Preliminary Amendment w/Certificate of Correction attached



Dated: August 4, 2000

Case Ref: 01147.0142-000

JBF:CP(rcw)

PLEASE RETURN TO MAIL DROP 818

AUG - 4 2000

PAF
8/7/00

206250-0806220

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re Patent of: Mark L. Collins et al.

Patent No.: 5,750,338

Group Art: 1634

Filed: March 8, 2000

Examiner: Unassigned

For: TARGET AND BACKGROUND CAPTURE METHODS WITH
AMPLIFICATION FOR AFFINITY ASSAYS**Papers Filed:**

1. Request for Corrected Filing Receipt.
2. Check in the amount of \$25.00 for fee.
3. Copy of Filing Receipt corrected in ink.
4. Second Preliminary Amendment w/Certificate of Correction attached.

Dated: August 4, 2000

Case Ref: 01147.0142-000

JBF:CP(rcw)

PLEASE RETURN TO MAIL DROP 818

00230810-0529007

FINNEGAN, HENDERSON, FARABOW
GARRETT & DUNNER, L.L.P.DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECKS IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

036607

VENDOR I.D./GL#	INVOICE DATE	INVOICE #	INVOICE AMOUNT
01147 0142-00000	08/04/00	37430	25.00
			25.00

RW

PATENT
Attorney Docket No. 1147-0142

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
U.S. Patent No. 5,750,338)
Mark L. Collins et al.) Group Art Unit: 1634
Reissue Serial No.: 09/533,906) Examiner: Unassigned
Reissue Application Filed: March 8, 2000)
For: TARGET AND BACKGROUND)
CAPTURE METHODS WITH)
AMPLIFICATION FOR AFFINITY)
ASSAYS)

OFFICE OF INITIAL PATENT EXAMINATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

SECOND PRELIMINARY AMENDMENT

Prior to the examination of the above application, please amend this application as follows:

IN THE PATENT:

Column 1, lines 4 through 18, delete the entire text and insert the following:

--This application is a Reissue of Ser. No. 238,080, filed May 3, 1994, now U.S. Patent No. 5,750,338, which is a continuation of application Ser. No. 124,826, filed Sept. 21, 1993, now abandoned, which is a continuation of application Ser. No. 946,749, filed Sept. 17, 1992, now abandoned, which is a continuation of application Ser. No. 648,468, filed Jan. 31, 1991, now abandoned, which is a continuation-in-part of application Ser. No. 644,967, filed Jan. 22, 1991,

LAW OFFICES
FINNEGAN, HENDERSON,
FARABOW, CARRETT,
& DUNNER, L.L.P.
1300 I STREET, N.W.
WASHINGTON, DC 20005
202-408-4000

now abandoned, which is a continuation of application Ser. No. 136,920, filed Dec. 21, 1987,
now abandoned and hereby incorporated by reference, which application is a continuation-in-part
of application Ser. No. 922,155, filed Oct. 23, 1986, now abandoned and hereby incorporated by
reference.--

REMARKS

The Patent Owner has amended the specification to reflect the correct continuing
information. Also submitted is a Certificate of Correction that was issued in U.S. Patent No.
5,750,338, and reflects the correct continuing information.

If there is any fee due in connection with the filing of this Preliminary Amendment,
please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: Jean B. Fordis
Jean B. Fordis
Reg. No. 32,984

Dated: August 4, 2000

LAW OFFICES
FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N.W.
WASHINGTON, DC 20005
202-408-4000

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

REISSUE PATENT NO.: 5,750,338
DATED: March 8, 2000
INVENTORS: Mark L. Collins et al.

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

delete the Related U.S. Application Data [62] in its entirety and replace with:

Continuation of Ser. No. 124,826, Sept. 21, 1993, abandoned, which is a continuation of Ser. No. 946,749, Sept. 17, 1992, abandoned, which is a continuation of Ser. No. 648,468, Jan. 31, 1991, abandoned, which is a continuation-in-part of Ser. No. 644,967, Jan. 22, 1991, abandoned, which is a continuation-in-part of Ser. No. 136,920, Dec. 21, 1987, abandoned, which is a continuation-in-part of Ser. No. 922,155, Oct. 23, 1986, abandoned,—

Please delete col. 1, lines 5-19 , and replace with:

--This application is a Reissue of Ser. No. 238,080, filed May 3, 1994, now U.S. Patent No. 5,750,338, which is a continuation of application Ser. No. 124,826, filed Sept. 21, 1993, now abandoned, which is a continuation of application Ser. No. 946,749, filed Sept. 17, 1992, now abandoned, which is a continuation of application Ser. No. 648,468, filed Jan. 31, 1991, now abandoned, which is a continuation-in-part of application Ser. No. 644,967, filed Jan. 22, 1991, now abandoned, which is a continuation of application Ser. No. 136,920, filed Dec. 21, 1987, now abandoned and hereby incorporated by reference, which application is a continuation-in-part of application Ser. No. 922,155, filed Oct. 23, 1986, now abandoned and hereby incorporated by reference.--

Mailing Address of Sender:

**Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.**
1300 I Street, N.W.
Washington, DC 20005-3315

PATENT NO. 2,205,555

No. of add'l copies
@ 50¢ per page

FORM PTO 1050 (Rev.2-93)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 5,750,336

Page 1 of 2

DATED : May 12, 1998

INVENTOR(S) : Collins et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

delete the Related U.S. Application Data [62] in its entirety and replace with:

--Continuation of Ser. No. 124,826, Sept. 21, 1993, abandoned, which is a continuation of Ser. No. 946,749, Sept. 17, 1992, abandoned, which is a continuation of Ser. No. 648,468, Jan. 31, 1991, abandoned, which is a continuation-in-part of Ser. No. 644,967, Jan. 22, 1991, abandoned, which is a continuation-in-part of Ser. No. 136,920, Dec. 21, 1987, abandoned, which is a continuation-in-part of Ser. No. 922,155, Oct. 23, 1986, abandoned.--

Please delete col. 1, lines 5-19, and replace with:

--This application is a continuation of application Ser. No. 124,826, filed Sept. 21, 1993, now abandoned, which is a continuation of application Ser. No. 946,749, filed Sept. 17, 1992, now abandoned, which is a continuation of application Ser. No. 648,468, filed Jan. 31, 1991, now abandoned, which is a continuation-in-part of application Ser. No. 644,967, filed Jan. 22, 1991, now abandoned, which is a continuation of application Ser. No. 136,920, filed Dec. 21, 1987, now abandoned and hereby incorporated by reference, which application is a continuation-in-part of application Ser. No. 922,155, filed Oct. 23, 1986, now abandoned and hereby incorporated

** TOTAL PAGE.12 **

*** RX REPORT ***

RECEPTION OK

TX/RX NO	5738	
CONNECTION TEL		650 849 6666
CONNECTION ID		
ST. TIME	05/28 16:26	
USAGE T	04'55	
PGS.	12	
RESULT	OK	

05/28/02 16:31 FAX 7033051013